



Report to the Mississippi Legislature
**Mississippi Telework Policies in the
Wake of the COVID-19 Pandemic**

#658
August 3, 2021

PEER: The Mississippi Legislature's Oversight Agency

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A joint committee, the PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms, with one Senator and one Representative appointed from each of the U.S. Congressional Districts and three at-large members appointed from each house. Committee officers are elected by the membership, with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of four Representatives and four Senators voting in the affirmative.

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The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

PEER Committee
Post Office Box 1204
Jackson, MS 39215-1204

(Tel.) 601-359-1226
(Fax) 601-359-1420
(Website) www.peer.ms.gov

The Mississippi Legislature

Joint Committee on Performance Evaluation and Expenditure Review
PEER Committee

SENATORS
KEVIN BLACKWELL
Vice Chair
CHARLES YOUNGER
Secretary
LYDIA CHASSANIOL
DEAN KIRBY
CHAD McMAHAN
SOLLIE NORWOOD
JOHN POLK

TELEPHONE:
(601) 359-1226

FAX:
(601) 359-1420



Post Office Box 1204
Jackson, Mississippi 39215-1204

James A. Barber
Executive Director

www.peer.ms.gov

REPRESENTATIVES
TIMMY LADNER
Chair
RICHARD BENNETT
CEDRIC BURNETT
CAROLYN CRAWFORD
BECKY CURRIE
JERRY TURNER
PERCY WATSON

OFFICES:
Woolfolk Building, Suite 301-A
501 North West Street
Jackson, Mississippi 39201

August 3, 2021

Honorable Tate Reeves, Governor
Honorable Delbert Hosemann, Lieutenant Governor
Honorable Philip Gunn, Speaker of the House
Members of the Mississippi State Legislature

On August 3, 2021, the PEER Committee authorized release of the report titled *Mississippi Telework Policies in the Wake of the COVID-19 Pandemic*.

A handwritten signature in black ink, appearing to read "Timmy Ladner".

Representative Timmy Ladner, Chair

This report does not recommend increased funding or staff.

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Mississippi Telework Policies in the Wake of the COVID-19 Pandemic

CONCLUSION: Telework refers to a work flexibility arrangement under which an employee performs their duties, responsibilities, and other authorized activities from an approved worksite other than the location from which the employee would otherwise work. Telework allows an employee to perform work during any part of regular, paid hours at an approved alternative worksite (e.g., home, telework center). In addressing the problems caused by the COVID-19 pandemic, Mississippi governmental entities appear to have arrived at several useful, pragmatic solutions to the problem of providing services through telework. The implementation of these solutions varied considerably. PEER conducted a review of telework policies of state agencies and educational institutions in order to develop policy recommendations for consideration by the Legislature.

Background:

In March 2020, Mississippi, like the rest of the United States, faced the threats and uncertainties of the COVID-19 pandemic. Government employers, along with businesses and not-for-profit organizations, were faced with the challenge of balancing the health interests of employees and the public against the need to ensure that necessary public services were provided to citizens and other clients of government.

During the pandemic, Governor Tate Reeves issued executive orders that enabled state agencies to take steps to ensure that services could continue to be rendered without necessarily having all state employees physically report to work. In complying with the Governor’s executive orders, many state agencies and educational institutions implemented telework policies for employees whose services were required but who did not necessarily have to be at their usual duty stations.

Results of PEER Survey Regarding Telework Policies

Entity	Telework Policies	No Telework Policies
State Agencies	28**	62
Universities*	4	5
Community Colleges	4	11

*Includes the University of Mississippi Medical Center

**Includes a consolidated response from the Department of Mental Health

Two major conclusions can be drawn from the results of PEER’s survey:

- a majority of the agencies and educational institutions did not formally adopt telework policies; and,
- the agencies and educational institutions that did adopt telework policies addressed major issues included in the Mississippi State Personnel Board’s policy guidance memoranda.

Exemplary State Agency Telework Policies

In reviewing telework survey results from state agencies, PEER observed the following agencies whose telework policies included significant accountability attributes:

- Secretary of State
- Mississippi Department of Education
- Public Employees’ Retirement System
- Mississippi State Department of Health

When is telework an appropriate alternative to on-site work?

Mississippi’s general policy is that offices will be open from 8:00 a.m. to 5:00 p.m. where government services are delivered, and that employees performing government services will work eight-hour days. MISS. CODE ANN. § 25-1-98 makes clear that services should be delivered from state offices by employees, but there are certain specific cases in which this policy can be overridden. In the following circumstances, telework could be used as an alternative:

- Declared emergencies
- Health-related issues
- Physical conditions at an office that necessitate temporary closure

Critical Elements of a Telework Policy

1

To assist in crafting uniform telework policies, there should be guidance as to when telework is an appropriate alternative to on-site work and which methods and practices should be used to ensure teleworking achieves the appropriate ends of the agency.

2

Regarding appropriateness, it would appear that a telework policy should address the conditions under which teleworking can be allowed as an alternative to being on-site and make clear that there is no general right to telework.

Ensuring an Effective Telework Policy

1

A telework policy should set out procedures under which managers can ensure that work is being performed on schedule and to the requirements of supervisors.

2

It should also establish essential requirements to protect the confidentiality of work and files being utilized offsite.

3

Finally, a telework policy should ensure that agencies accomplish the provision of services to the public effectively in cases where contact with the service population is absolutely necessary.

Recommendations

1. PEER recommends that the Legislature consider amending MISS. CODE ANN. § 25-1-98 regarding office access and workdays to specifically authorize telework for the limited reasons of:
 - providing services in a declared emergency;
 - allowing persons with specific verified medical conditions to telework without regard to emergency declarations; and,
 - permitting telework in cases where access to the worksite may have been barred by weather or other dangerous conditions that prohibit staff from safely using the worksite.
2. In such cases, the agencies may allow telework if:
 - It is an appropriate means of rendering services. Appropriateness should be determined by applying standards similar to those found in Mississippi State Personnel Board policy.
 - Services can be rendered without compromising confidential or protected information.
 - Employees sign a telework agreement certifying that they understand the conditions under which telework is allowed. Such agreements should clearly set out that agreements may be cancelled at any time by the employers, and that they create no right to telework beyond what is specifically provided for in the agreement.
3. Agencies should establish procedures to ensure that offices can still provide personal contact with clients in need of assistance. This might be done through the use of volunteer employees or possibly through the use of special compensation plans through which employees could be compensated for bearing some additional risks.

Mississippi Telework Policies in the Wake of the COVID-19 Pandemic

Introduction

Authority, Scope, and Purpose

The PEER Committee, under its authority found in MISS. CODE ANN. § 5-3-51 et seq. (1972), reviewed the implementation of telework policies by state agencies and educational institutions—i.e., universities and community colleges—in response to challenges presented by the COVID-19 pandemic.

In March 2020, Mississippi, like the rest of the United States, faced the threats and uncertainties of the COVID-19 pandemic. Government employers, along with businesses and not-for-profit organizations, were faced with the challenge of balancing the health interests of employees and the public against the need to ensure that necessary public services were provided to citizens and other clients of government. During the pandemic, Governor Tate Reeves issued executive orders that enabled state agencies to take steps to ensure that services could continue to be rendered without necessarily having all state employees physically report to work.

In complying with the Governor's executive orders, many state agencies and educational institutions implemented telework policies for employees whose services were required but who did not necessarily have to be at their usual duty stations. Because considerable variation existed among the telework policies and practices of state agencies and educational institutions, PEER chose to review these policies in order to develop policy recommendations for consideration by the Legislature.

Method

In conducting this review, PEER:

- reviewed provisions of the Mississippi Code of 1972 related to personnel management;
- reviewed memoranda promulgated by the Mississippi State Personnel Board (MSPB) offering guidance to state agencies regarding telework activities;
- surveyed state agencies, universities, and community colleges regarding their use of telework policies during the COVID-19 pandemic; and,
- inspected certain state agency offices located in the Jackson metro area to determine how accessible the offices were during the latter months of fiscal year 2021.

What is Telework, and How Did State Agencies and Educational Institutions Implement Telework During the Pandemic?

Faced with protecting their employees and the public they served during a global pandemic, state agencies and educational institutions had to quickly develop practices that allowed their employees to work from home while maintaining some semblance of normalcy. This chapter describes the origin of telework and policies and practices implemented by state agencies and educational institutions in response to the COVID-19 pandemic.

What is Telework?

Generally, the term “telework” or “teleworking” refers to a work flexibility arrangement under which an employee performs their duties, responsibilities, and other authorized activities from an approved worksite other than the location from which the employee would otherwise work.¹ In practice, telework is a work arrangement that allows an employee to perform work during any part of regular, paid hours at an approved alternative worksite (e.g., home, telework center). This definition of telework includes what is generally referred to as remote work but does not include any part of work done while on official travel or mobile work.

The Organization of the Petroleum Exporting Countries (OPEC) oil crisis and rising fuel costs in the 1970s led Jack Nilles, sometimes called “The Father of Teleworking” to look for ways work could be done without the need for so much commuting. While working on the design of communication systems for the National Aeronautics Space Administration (NASA) and the U.S. Air Force, Nilles started a telework project involving 30 employees. From there, the idea of teleworking grew as prominent businesses experimented with their own arrangements, such as JCPenney hiring home-based call center agents for catalog orders in the 1980s.

Federal Government Telework Policies

According to the federal Office of Personnel Management (OPM), the history and statutory framework for establishing a telework policy began as an effort to address transportation concerns and grew into an important flexible work arrangement and a powerful recruitment and retention tool for the federal government. In recent years, the focus has expanded to view telework as a strategic management tool for coping with potential disruptions in the workplace due to severe weather or other emergencies, and as a means to reduce the overhead costs and real estate footprint of the federal government, while continuing to deliver timely services to the public.

Congressional interest in expanding the use of telework in the Executive branch began in earnest with the passage of the *Transportation and Related Agencies Appropriation Act of 2001* (Public Law 106-346), which required each executive agency to establish a policy under which eligible employees of the agency would be permitted to participate in telework to the maximum extent possible without diminished employee performance. The Act required the OPM to ensure that these telework requirements were applied to 25% of the federal workforce within six months of enactment, and to an additional 25% of employees every year thereafter.

Further legislation (P.L. 108-7, P.L. 108-199, and P.L. 108-447) followed the mandate for executive agencies to establish a telework policy, but the focus was more incremental and directed specific agencies to increase telework participation by specified amounts. Congress also required these agencies to appoint telework coordinators and produced quarterly Congressional reports on the status of their telework programs.

¹ Telework Enhancement Act of 2010, PL 111-292.

Mississippi Telework Policies

Following enactment of the federal legislation, many jurisdictions began adopting telework policies for routine use when the employing agency considered work suitable for a telework arrangement. Currently, some states provide broad authority to agencies to establish telework policies regardless of whether or not an emergency exists. These states often consider telework to be beneficial for recruitment purposes and as a way to reduce demand for office space.²

Mississippi currently does not have a statutory telework policy. Prior to the COVID-19 pandemic, telework, if used at all in Mississippi, was authorized by individual agency directors without specific guidance from any source. Following Governor Tate Reeves' March 2020 declaration of the COVID-19 state of emergency, and in response to Executive Orders 1457 and 1458 of 2020, MSPB provided telework policy guidelines for employees in agencies under MSPB's jurisdiction. (See Appendix A on page 11 for a timeline of guidance provided to state agencies by MSPB.) In general, the guidelines:

- recognized that a single policy would not be appropriate for all agencies, as the responsibilities and type of work varies from agency to agency;
- encouraged agency executive directors to consult with their managers, legal staff, and information technology staff to determine the scope and conditions of teleworking;
- expected agencies to determine which employees:
 - perform essential duties required to carry out the agency's mission in the event of an emergency;
 - may be necessary at their work station in certain limited circumstances to continue agency operations during an emergency;
 - perform duties that may not be necessary while an emergency declaration is in effect;
- suggested that agencies devise both scheduling and time management policies so that work efforts of employees teleworking could be managed; and,
- recommended that policies be developed to address the use of technology in the telework environment, including protection of confidential information and safeguard against malware or other viruses that could impair the functioning of state agency computer systems.

Implementation of State Agencies' and Educational Institutions' Telework Policies

In light of the MSPB guidance, PEER surveyed all state agencies, as well as universities and community colleges in June 2021 to determine whether the entities implemented telework policies to address working conditions during the COVID-19 pandemic. (It should be noted that universities and community colleges are not under MSPB's jurisdiction.) Exhibit 1 on page 4, provides the results of PEER's survey. In summary, the majority of state agencies and educational institutions did not formally adopt and implement telework policies.

² See both Oklahoma and Pennsylvania as examples of states that have broad policies allowing telework (provided the requirements of the positions affected lend themselves to telework).

Exhibit 1: Results of PEER Survey Regarding Telework Policies

Entity	Telework Policies	No Telework Policies
State Agencies	28**	62
Universities*	4	5
Community Colleges	4	11

*Includes the University of Mississippi Medical Center

**Includes a consolidated response from the Department of Mental Health

SOURCE: PEER survey of state agencies and educational institutions, June 2021.

Two major conclusions can be drawn from the results of PEER's survey:

- a majority of the agencies and educational institutions did not formally adopt telework policies; and,
- the agencies and educational institutions that did adopt telework policies addressed major issues included in MSPB's policy guidance memoranda discussed on page 3.

Although the majority of state agencies did not formally adopt telework policies, the agencies had employees working from home, as detailed in Appendix B on page 13.

The primary purpose of a telework policy is to ensure that work is managed capably and securely. While telework has previously often been utilized without a policy, the presence of a policy provides administrators and outside evaluators and auditors with a standard by which the success of telework can be measured, and accountability of staff teleworking can be ensured.

While the format, depth, and quality of the agencies' and educational institutions' formal telework policies varied, the policies tended to address the following major areas of concern:

1. *Accountability*: Agencies designed policies to provide clear pathways through which supervisors could continue to hold employees accountable for hours worked each week.
2. *Equipment and document security*: Agencies designed policies to ensure their sensitive documents and special equipment stayed safe and accounted for.
3. *Accessibility to the public*: Agencies also worked to ensure through their policies that despite working from home their employees continued to remain available to the public.

Exemplary State Agency Telework Policies

In reviewing telework survey results from state agencies, PEER observed the following agencies whose telework policies included significant accountability attributes.

- *Secretary of State*: The Secretary of State's policy sets out clearly that telework assignments must be based on the needs of the agency and the ability to perform an employee's functions remotely. Employees must be scheduled, and their supervisors are expected to monitor performance. Use of agency-owned equipment is limited to work-related activities. The employee is responsible for proper maintenance of the home worksite and upkeep. The teleworking employee must be responsible for any tax implications associated with the teleworking activities. Records and reports copied and placed on the worker's own computer must be transferred to the computers of the Secretary of State.
- *Mississippi Department Education (MDE)*: MDE adopted a detailed policy that limited telework to the COVID-19 emergency declared in March 2020. MDE's criteria for determining who will be eligible for telework are particularly detailed and deserve

mention as a standard for other agencies. Regarding eligibility for telework, the policy sets out the following criteria:

- Are the employee's work duties independent in nature?
- Are the work duties primarily knowledge-based?
- Do the employee's duties allow for measurable deliverables?
- Do the employee's duties require in-person interaction at regular worksites with supervisors, colleagues, clients, or the public?
- Do the employee's duties require the need for his or her immediate presence at the regular worksite to address unscheduled events which cannot be managed by other means?
- Are the employee's duties not essential to the management of the on-site workflow?

Additionally, this policy sets out the criteria by which individual employees should be judged before assigning them to telework. These include an employee's:

- responsibility and dependability;
- effective communication with supervisors, co-workers, and clients;
- motivation to successfully carry out the telework assignment;
- ability to work independently;
- consistent productivity;
- high degree of skill and knowledge of the job;
- effective work; and,
- prioritization and time management skills.

These suitability standards are also found in MSPB's telework policy.

- Public Employees' Retirement System (PERS): PERS's policy on telework is heavily oriented toward protection of confidential information. In view of the financial data and personally identifiable information maintained by PERS on active and retired employees, this is prudent. PERS's policy specifically states:
 - Employees must follow agency policy on protection of confidential information.
 - Employees must use only PERS equipment which must be kept in a safe and secure place.
 - PERS will maintain the equipment assigned to the employees.
 - Employees should not use public Wi-fi with PERS equipment and should only log in to PERS computers through a Virtual Private Network (VPN).
 - PERS equipment used in a public place should not be left unattended.
 - Equipment that is lost or stolen must be reported to PERS immediately.
 - When traveling with PERS equipment, employees must follow certain security protocols, such as not placing a PERS laptop in checked baggage.
 - Traveling with PERS equipment should only occur on official business.
- Mississippi State Department of Health (MSDH): MSDH is an example of an agency that requires its teleworking employees to sign an agreement setting out the duties and responsibilities of the employer and employees regarding remote site work. All terms and

conditions of the agreement are set out in MSDH's telework policies. Annual revisions of the agreement are required to ensure that persons participating are still eligible to continue to telework. The agreement covers such matters as:

- performance expectations and monitoring;
- liability and workers' compensation;
- safety of the workplace;
- use of agency and personal equipment and devices;
- secure use of equipment and devices;
- scheduling of work activities;
- accessibility to clients, co-workers, and supervisors; and,
- other provisions as required.

Service Delivery Challenges Associated with Teleworking

In responding to PEER's survey, most state agencies noted that client service was a major factor in their decision to decide which employees could telework and which ones could not. In general, agency policies should consider this to be a matter of paramount concern, particularly in agencies with clients who may need in-person assistance understanding matters related to benefits and services.

In order to determine agencies' compliance with their telework policies and assess how the agencies addressed service delivery, PEER conducted unannounced field tests of eight agencies with offices located within the Jackson metro area on June 23 and 24, 2021. Specifically, PEER observed:

- Division of Medicaid offices in Rankin and Yazoo counties and the Mississippi Department of Human Services office in Yazoo County were closed to the public.
- Department of Human Services offices in Rankin, Madison, and Copiah counties and the Department of Child Protection Services in Copiah County were partially open, meaning that offices could be opened at the discretion of the local director. Clients were encouraged to communicate with the departments through online application processes, or for assistance, through telephone, mail, or email.
- Department of Child Protection Services in Rankin and Yazoo counties, the Department of Health in Rankin County, and the Office of Vocational Rehabilitation in Madison County were open to the public.
- The Board of Barber Examiners and the Board of Licensure for Professional Engineers and Land Surveyors' central offices were closed.
- The State Board of Cosmetology and the Department of Rehabilitation Services were open to the public.

The closure of local offices while agency staff are teleworking is of particular concern because the offices often serve clients who may have more difficulty communicating their needs and concerns with staff through telephone, email, or electronic mail or application processes. Such inaccessibility to direct service workers could result in delays or interruptions in the delivery of services to these persons.

When Should Agencies and Educational Institutions Be Allowed to Implement a Telework Policy?

Because the COVID-19 pandemic was an unexpected global event, most Mississippi state agencies and educational institutions did not have policies in place to deal with the need to allow employees to work off-site from their regular duty stations. While some agencies and educational institutions adopted policies and strategies to deal with the pandemic, it is important that formal telework policies include necessary accountability and oversight attributes.

Critical Elements of a Telework Policy

Clearly, in the face of a pandemic, telework could be a necessary strategy for addressing the challenge of delivering services when it is not absolutely essential that employees be physically at their duty stations. The nature of work performed by agencies and educational institutions varies and impacts how policy can or should be crafted to address telework, but some general elements of accountability can be adopted that address common problems.

To assist in crafting uniform telework policies, there should be guidance and restrictions in the following critical areas:

- when telework is an appropriate alternative to on-site work; and,
- the methods and practices used to ensure that teleworking achieves the appropriate ends of the agency.

Regarding appropriateness, it would appear that a telework policy should:

- address the conditions under which teleworking can be allowed as an alternative to being on-site; and,
- make clear that there is no general right to telework.³

Regarding the methods and practices used to ensure that workers are achieving the ends their employers desire, and in the spirit of the guidance that MSPB offered to state agencies immediately after the declaration of an emergency, the following three points appear to be most important as a means of ensuring that employees are achieving what is expected of them. To achieve oversight a telework policy should:

- set out procedures under which managers can ensure that work is being performed on schedule and to the requirements of supervisors;
- establish essential requirements to protect the confidentiality of work and files being utilized off-site; and,
- ensure that agencies accomplish the provision of services to the public effectively in cases where contact with the service population is absolutely necessary.

When is Telework an Appropriate Alternative to On-Site Work?

As noted on page 1, the use of telework by state agencies and educational institutions became significant during the pandemic, yet state law and personnel policies had previously been silent on the subject.

³ State agencies such as the Office of the Secretary of State, the Mississippi State Department of Health, the Mississippi Department of Education, and the Department of Rehabilitation Services all make clear that telework is not a right. The Veterans' Affairs Board reserves the right to modify or revoke the policy at any time, thereby retaining the right to change the telework status of any staff.

While some states have adopted policies that encourage the judicious expansion of telework outside of emergency situations, Mississippi state law presumes that service delivery and the services necessary to support service delivery will occur at the traditional workplace. Specifically, MISS. CODE ANN. § 25-1-98 (1972) provides:

In addition to any other times required by statute, all state offices shall be open and staffed for the normal conduct of business from 8:00 a.m. until 5:00 p.m., Monday through Friday, except on legal holidays as set forth in Section 3-3-7. The Governor may designate certain state offices and institutions as providers of essential services and require that they be open and staffed on legal holidays. The Board of Directors of the Mississippi Industries for the Blind may, in its discretion, require that its offices and operations be open and staffed on legal holidays. Employees required to work on legal holidays shall earn compensatory leave under the provisions of Section 25-3-92. No employee shall receive additional vacation or sick leave benefits for working on a legal holiday, nor shall this section be construed to authorize any additional compensation as an alternative to the accrual of compensatory leave except as specifically provided for in a legislative appropriation. The provisions of this section shall not be construed to limit the hours of operation of any agency or to abrogate any action taken during hours other than those stated, nor shall these provisions apply to any offices that do not customarily stay open five (5) days a week. The provisions of this section shall not apply to the military department of the State of Mississippi or to the armories, field training sites, air bases or other installations of the Mississippi National Guard.

A workday for a state employee in a full-time employment position shall be eight (8) hours in duration at a minimum exclusive of time off for meals. The appointing authority shall develop work schedules which ensure that each full-time employee works a full workday and shall provide the State Auditor with a copy of the regular work schedule of the appointing authority.

Thus, Mississippi's general policy is that offices will be open from 8:00 a.m. to 5:00 p.m. where government services are delivered, and that employees performing government services will work eight-hour days. Taken together, the policy establishes an expectation that the government's employees will be in their offices delivering the services that are the responsibility of the agency that employs them. While MISS. CODE ANN. § 25-1-98 makes clear that services should be delivered from state offices by employees, there are certain specific cases in which this policy can be overridden. In the following circumstances, telework could be used as an alternative:

1. Declared emergencies: As in the case of the COVID-19 pandemic, an emergency either natural or man-made would be an appropriate event to trigger the implementation of a telework policy. In view of the fact that the governor has the power to suspend the operation of certain laws in the face of an emergency, the types of emergencies contemplated under Mississippi's emergency management laws, MISS. CODE ANN. § 33-15-1 et seq., could give rise to a suspension of MISS. CODE ANN. § 25-1-98 with agency directors given the responsibility of determining which employees are essential, as was the case during the COVID-19 pandemic.
2. Health-related issues: Health issues would appear to be one area where a telework option would be appropriate outside of an emergency setting. The following are cases where health concerns might be considered to be paramount over the policy of MISS. CODE ANN. § 25-1-98:
 - Where specific orders of a medical doctor advise an employee that the employee should have limited contact with other persons: Some employees through no fault of their own develop conditions that can result in their being less capable of warding off disease than others. In these cases, a properly managed telework policy could provide the employee with an option to remain a productive and contributing

member of an agency staff while still comporting with doctors' orders. A policy should require that the medical doctor set out specifics as to the employee's condition and reasons why physical presence in the office is not appropriate.

- Alternatively, there are cases where an employee's illness could pose a threat to the health of those on staff. Generally, the use of major medical leave is considered as a solution to these problems, but in cases where an employee is ordered to quarantine, the use of telework would be appropriate. In these cases, a copy of a directive to quarantine would be required as a precondition to authorizing a work-at-home regimen.
3. The physical conditions at an office necessitate temporary closure: In places where infrastructure is aging, the possibility of broken sewer, water, or gas lines could necessitate that work be temporarily conducted at sites away from the office. In such cases, agencies would have a justification for implementing telework until the conditions at the workplace have changed. Several state agencies that adopted telework policies during the pandemic also included provisions that would enable employees to telework if an employee's physical location of work is not accessible.⁴

There are several instances where an agency director should consider a policy providing for telework. The policy should make clear that there is no general right to telework. In general, employees are expected to deliver services from their offices and not from home. The policies reviewed make clear that there is no right to telework established by policies created in the wake of the pandemic.

⁴ See the telework policies of the Office of the Secretary of State.

Recommendations

In addressing the problems caused by the COVID-19 pandemic, Mississippi governmental entities appear to have arrived at several useful, pragmatic solutions to the problem of providing services through telework. The implementation of these solutions varied considerably. In some cases, agency practice, whether or not directly linked to telework, may have impaired client access to needed services for some populations of Mississippi.

To address these matters, PEER recommends that the Legislature consider amending MISS. CODE ANN. § 25-1-98 regarding office access and workdays to specifically authorize telework for the limited reasons of:

- providing services in a declared emergency;
- allowing persons with specific verified medical conditions to telework without regard to emergency declarations; and,
- permitting telework in cases where access to the worksite may have been barred by weather or other dangerous conditions that prohibit staff from safely using the worksite.

In such cases, the agencies may allow telework if:

- It is an appropriate means of rendering services. Appropriateness should be determined by applying standards similar to those found in MSPB policy.
- Services can be rendered without compromising confidential or protected information.
- Employees sign a telework agreement certifying that they understand the conditions under which telework is allowed. Such agreements should clearly set out that agreements may be cancelled at any time by the employers, and that they create no right to telework beyond what is specifically provided for in the agreement.
- Additionally, agencies should establish procedures to ensure that offices can still provide personal contact with clients in need of assistance. This might be done through the use of volunteer employees or possibly through the use of special compensation plans through which employees could be compensated for bearing some additional risks.

Appendix A: COVID-19 Pandemic Guidance Provided by the Mississippi State Personnel Board

The Mississippi State Personnel Board began issuing guidance to state agencies in March 2020 in response to the State of Emergency Proclamation by Governor Tate Reeves. As the human resources support system for state agencies, MSPB focused on providing personnel guidance to state agencies as the COVID-19 pandemic progressed. Listed below is a timeline synopsis of such guidance.

March 16, 2020	MSPB guidance included the Director's decision to suspend the statutory requirements regarding specific sick leave and instructions for agencies to create a telework plan.
March 17, 2020	In response to Executive Order 1458, MSPB issued additional guidance regarding compensatory leave and administrative leave during telework.
March 30, 2020	MSPB issued guidance on administrative leave and provided an update on H.R. 6201, the Families First Coronavirus Response Act (FFCRA), including information from the federal Department of Labor.
April 3, 2020	MSPB notified agencies of the temporary regulations promulgated by the Secretary of Labor regarding the implementation of public health emergency leave under the Family Medical Leave Act (FMLA).
April 6, 2020	MSPB notified agencies of the FFCRA guidance issued by the Department of Labor.
April 28, 2020	MSPB, in response to Executive Order 1477, encouraged state employers to develop plans to begin returning to the workplace during the "Safer at Home" period.
May 14, 2020	MSPB included on its website relevant COVID-19 guidance and considerations for developing return-to-work guidelines.
May 15, 2020	MSPB notified agencies of Executive Order 1484, which directed state agencies, boards, and commissions to begin returning employees to the workplace.
June 11, 2020	MSPB notified agencies that normal operations should resume by July 1, 2020.
August 14, 2020	MSPB provided agencies with telework templates to use at their discretion if they needed assistance writing a formal telework policy.
May 5, 2021	MSPB advised agencies that, as of June 1, 2021, all employees should conform to statutory requirements and rescinded the

previous provisions related to the state of emergency. MSPB required agencies to report all administrative leave granted to state employees to MSPB effective June 1, 2021.

SOURCE: Mississippi State Personnel Board.

Appendix B: Results of PEER Survey Regarding the Implementation of Formal Telework Policies and Percentages of Employees Working On-Site During Certain Months

In June 2021, PEER surveyed all state agencies, universities, and community colleges to determine whether entities developed and implemented formal telework policies in response to the COVID-19 pandemic. The survey also asked the entities to report the percentage of employees working “in the office” during February and May 2021. (The reader should be mindful that this information is self-reported.)

State Agencies

	Formal Telework Policy	% in Office in February	% in Office in May
Arts Commission, Mississippi	Yes	60	100
Banking & Consumer Finance, Department of	Yes	50	100
Community & Junior Colleges, Board for	Yes	100	100
Cosmetology, Board of	Yes	100	100
Education, State Department of	Yes	50	50
Employment Security, Department of	Yes	80.3	80.3
Environmental Quality, Department of	Yes	30	30
Fire Academy, State of Mississippi	Yes	10	100
Health, State Department of	Yes	83	92
Home Corporation, Mississippi	Yes	60	60
Information Technology Services	Yes	75	98
Judicial Performance, Commission on	Yes	33	100
Medicaid, Division of	Yes	92.4	98.3
Mental Health, Department of	Yes	75	75
Motor Vehicle Commission	Yes	100	100
Nursing, State Board of	Yes	60	60
Personnel Board, State	Yes	97.5	97.5
Pharmacy, Mississippi Board of	Yes	90	100
Public Employees' Retirement System	Yes	88	95
Rehabilitation Services	Yes	87	81
Secretary of State's Office	Yes	98	98
State Aid, Office of	Yes	100	100
State Auditor, Office of the	Yes	40	100
State Hospital, Mississippi	Yes	100	100
Transportation, Mississippi Department of	Yes	98.3	98.3
Veterans' Affairs Board	Yes	99	100
Volunteer Service, Mississippi Commission for	Yes	0	0

Wireless Communication Commission	Yes	66	40
Accountancy, Board of Public	No	40	60
Agriculture & Commerce, Department of	No	100	100
Animal Health, Board of	No	84	100
Architecture, Board of	No	50	100
Archives & History, Department of	No	51.5	85.7
Athletic Commission, Mississippi	No	100	100
Attorney General	No	97	99
Auctioneer Commission, Mississippi	No	100	100
Bar Admissions, Board of	No	100	100
Barber Examiners, Board of	No	100	100
Boswell Regional Center	No	100	100
Capital Post Conviction Counsel	No	90	100
Chiropractic Examiners, Board of	No	100	100
Contractors, Board of	No	100	100
Corrections, Department of	No	100	100
Dental Examiners, State Board of	No	100	100
Development Authority, Mississippi	No	40	100
East Mississippi State Hospital	No	100	100
Ellisville State School	No	100	100
Emergency Management Agency, Mississippi	No	100	100
Ethics Commission	No	50	50
Finance & Administration, Department of	No	100	100
Foresters, MS Board of Registration for	No	100	100
Funeral Service, State Board of	No	100	100
Gaming Commission	No	50	100
Geologists, Board of Registered Professional	No	100	100
Grand Gulf Military Monument Commission	No	100	100
Hudspeth Regional Center	No	100	100
Human Services, Department of	No	91	94.5
Institutions of Higher Learning	No	14	23
Insurance Department	No	50	50
Juvenile Rehabilitation Facility Brookhaven	No	100	100
Library Commission	No	100	100
Licensed Professional Counselors, Examiners for	No	60	60
Marine Resources, Department of	No	96.5	96.5
Massage Therapy, Mississippi Board of	No	100	100
Medical Licensure, State Board of	No	100	100
Military Department, Mississippi	No	100	100
North Mississippi Regional Center	No	100	100

Nursing Home Administrators, Board of	No	100	100
Oil & Gas Board, Mississippi State	No	100	100
Parole Board, Mississippi	No	100	100
Pat Harrison Waterway District	No	100	100
Pearl River Valley Water Supply District	No	100	100
Physical Therapy, Mississippi Board of	No	100	100
Port Authority, Mississippi State	No	100	100
Psychology, Mississippi Board of	No	10	100
Public Broadcasting, Mississippi	No	100	100
Public Defender, Office of	No	100	100
Public Safety, Mississippi Department of	No	50	50
Public Utilities Staff	No	100	100
Real Estate Commission	No	100	100
Revenue, Department of	No	99	100
Social Workers & Marriage/Family Therapists, Examiners for	No	100	100
Soil & Water Conservation Commission	No	100	100
Specialized Treatment Facility	No	100	100
State Hospital, South Mississippi	No	100	100
Tax Appeals, Mississippi Board of	No	100	100
Tombigbee River Valley Water Management District	No	100	100
Treasury Department	No	100	100
Veterans' Home Purchase Board	No	100	100
Wildlife, Fisheries & Parks, Department of	No	100	100

Universities and Community Colleges

	Formal Telework Policy	% in Office in February	% in Office in May
Alcorn State University	Yes	99	100
Copiah-Lincoln Community College	Yes	96	99.8
Mississippi Valley State University	Yes	98.28	97.91
University of Mississippi	Yes	83.5	90.5
University of Mississippi Medical Center	Yes	98.7	98.7
Jones County Junior College	Yes	100	100
Meridian Community College	Yes	100	100
Southwest Community College	Yes	100	100
Delta State University	No	94.32	98.74
Coahoma Community College	No	100	100
East Central Community College	No	100	100

East Mississippi Community College	No	100	100
Hinds Community College	No	99	99
Holmes Community College	No	100	100
Itawamba Community College	No	100	100
Jackson State University	No	73	73
Mississippi Gulf Coast Community College	No	100	100
Mississippi State University	No	85	87
Mississippi University for Women	No	80	100
Northeast Community College	No	98.8	99.7
Northwest Community College	No	100	100
University of Southern Mississippi	No	62.5	70.1
Mississippi Delta Community College	No	100	100
Pearl River Community College	No	100	100

SOURCE: PEER survey of state agencies, universities, and community colleges.

Non-Responsive Entities:

The following entities did not provide their telework policy or percentage of employees working on-site in February and May 2021 as requested by PEER:

- Engineers and Land Surveyors, Board of
- Forestry Commission
- Mississippi Industries for the Blind
- Optometry, Mississippi Board of
- Public Service Commission

In attempting to obtain the information from these entities during June 2021, PEER contacted staff of the entities by telephone, voice mail, and e-mail on multiple occasions with no success. In some cases, telephone calls to the entities went unanswered even though PEER called during regular business hours when entity staff should have been at work. Several entity staff agreed to provide the requested information to PEER but failed to follow through.

The PEER Committee takes exception to these entities' lack of cooperation in providing the Legislature as well as taxpayers with information regarding their efforts to provide public services in the wake of the COVID-19 pandemic.

PEER Committee Staff

James A. Barber, Executive Director

Legal and Reapportionment

Ted Booth, General Counsel
Ben Collins
Barton Norfleet

Administration

Kirby Arinder
Stephanie Harris
Gale Taylor

Quality Assurance and Reporting

Tracy Bobo
Hannah Jane LeDuff

Performance Evaluation

Lonnie Edgar, Principal Analyst
David Pray, Principal Analyst
Jennifer Sebren, Principal Analyst
Kim Cummins
Jordan Dillon
Matthew Dry
Matthew Holmes
Drew Johnson
Billy Loper
Debra Monroe-Lax
Taylor Mullins
Meri Clare Ringer
Sarah Williamson
Julie Winkeljohn
Ray Wright